

UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE

Scaer et al.

v.

Case No. 24-cv-277-LM-TSM

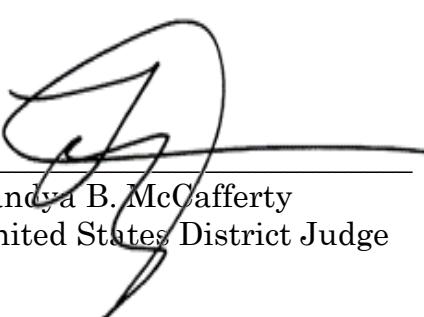
Nashua, NH, City of et al

ORDER

After due consideration of the objection and reply filed, I herewith approve the Report and Recommendation of Magistrate Judge Talesha L. Saint-Marc dated December 16, 2024. Doc. no. [32](#). For the reasons explained in the Report and Recommendation, the Scaers failed to show that they are likely to succeed on the merits of their claims. Applying the factors from Shurtleff v. City of Boston, 596 U.S. 243, 254 (2022), the Magistrate Judge correctly found that the undisputed facts indicate that the flags displayed on the Citizen Flag Pole pursuant to Nashua's 2022 Flagpole Policy constituted government speech not regulated by the First Amendment.

The plaintiffs' motion for preliminary injunction (doc. no. [2](#)) is denied.

SO ORDERED.


Landya B. McCafferty
United States District Judge

Date: March 28, 2025

cc: Counsel of Record